

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SONYA LARSON,

Plaintiff

v.

C. A. No.: 1:19-CV-10203-IT

DAWN DORLAND PERRY,
COHEN BUSINESS LAW GROUP, PC and
JEFFREY A. COHEN, ESQUIRE,

Defendants.

**DEFENDANT DAWN DORLAND PERRY'S MOTION FOR LEAVE
TO FILE A REPLY BRIEF IN SUPPORT OF HER
PARTIAL MOTION TO DISMISS AND
INCORPORATED MOTION TO STRIKE
AFFIDAVIT OF SONYA LARSON**

Defendant Dawn Dorland Perry (“Ms. Dorland”) hereby moves for leave to file a reply brief in further support of her Partial Motion to Dismiss. Ms. Dorland has good cause to file her reply brief, as the Opposition filed in response to her Partial Motion to Dismiss by Plaintiff Sonya Larson contained a *plethora of new facts* – including but not limited to an accompanying affidavit and multiple newly filed exhibits – which Ms. Dorland could not have addressed in her Motion, and which are not properly before this Court in response to a Motion to Dismiss. Accordingly, Ms. Dorland’s proposed reply brief, which is attached hereto as **Exhibit A**, incorporates a Motion to Strike said affidavit and newly submitted facts.

Ms. Dorland has conferred with counsel for Plaintiff Sonya Larson, who declined to assent to this motion. Ms. Dorland has also conferred with counsel for co-Defendants Cohen Business Law Group, PC and Jeffrey A. Cohen, Esquire (collectively “Co-Defendants”), and Co-Defendants assent to this Motion.

In further support of this Motion, Ms. Dorland states as follows:

1. Ms. Dorland has good cause to file a reply brief in further support of her Partial Motion to Dismiss wherein the Opposition to her Partial Motion to Dismiss filed by Sonya Larson raises new facts, not included in the Complaint, and which Ms. Dorland could not have anticipated in her original Motion;
2. Ms. Dorland further has good cause to file a reply brief in support of her Partial Motion to Dismiss wherein the Opposition to her Partial Motion to Dismiss was accompanied by an affidavit alleging additional facts, and attaching new exhibits, purporting to insert said new exhibits into the record at the Motion to Dismiss stage; Ms. Dorland's Reply Brief includes a Motion to Strike these impermissible additions to the record;
3. Ms. Dorland further has good cause to file a reply brief to address arguments raised in the Opposition filed by Plaintiff Sonya Larson that mischaracterize the points raised by Ms. Dorland, which Ms. Dorland clarifies in her proposed Reply;
4. The Reply Brief that Ms. Dorland seeks leave to file is limited in scope and in length, and does not exceed five (5) pages;
5. Ms. Dorland will file said reply brief within one (1) business day of said leave being granted; and
6. While Plaintiff Sonya Larson has declined to assent to this motion, Co-Defendants have assented to this motion.

WHEREFORE, upon the foregoing good cause shown, Dawn Dorland Perry respectfully requests that the Court GRANT her Motion for Leave to file a Reply Brief in Support of her Partial Motion to Dismiss with Incorporated Motion to Strike Affidavit of Sonya Larson.

Respectfully submitted,

DAWN DORLAND PERRY,

By her attorneys,

/s/ Suzanne Elovecky

Howard M. Cooper, Esq. (BBO # 543842)

Suzanne Elovecky, Esq. (BBO # 670047)

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Date: May 20, 2019

LOCAL RULE 7.1(a)(2) CERTIFICATE

The undersigned counsel certifies that on May 20, 2019 counsel for Dawn Dorland Perry conferred with counsel for all parties by telephone. The Plaintiff did not assented to the relief that Ms. Dorland seeks in this motion; Co-Defendants provided their assent.

/s/ Suzanne Elovecky

Suzanne Elovecky

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the CM/ECF system will be sent electronically to the registered participants as identified on the NEF (NEF) and paper copies will be sent to those indicated as non-registered participants on May 20, 2019.

/s/ Suzanne Elovecky

Suzanne Elovecky